

787 KAR 1:240. Fraud disqualifications.

RELATES TO: KRS 341.370

STATUTORY AUTHORITY: KRS 151B.020, 341.115

NECESSITY, FUNCTION, AND CONFORMITY: KRS 341.115(1) authorizes the secretary to promulgate administrative regulation necessary to administer KRS Chapter 341. KRS 341.370(2) provides that a worker shall be disqualified from receiving benefits for any week with respect to which he knowingly made a false statement to establish his right to or the amount of his benefits, and, within the succeeding twenty-four (24) months, for the additional weeks immediately following the date of discovery, not to exceed a total of fifty-two (52), as may be determined by the secretary. This administrative regulation establishes the number of additional weeks of disqualification to be imposed.

Section 1. Unreported Earnings. (1) If the department issues a determination finding that a claimant fraudulently failed to report wages earned during a week of unemployment for which unemployment insurance benefits were claimed, an additional period of disqualification shall be imposed for each week of unreported earnings, in addition to the disqualification period imposed for each week by KRS 341.370(2).

(2) The additional period shall be the greater of:

(a) Twelve (12) weeks in length; or

(b) 1. Six (6) weeks for each week the unreported earnings are less than one and one-fourth ($1\frac{1}{4}$) times the weekly benefit amount; and

2. Twelve (12) weeks for each week the unreported earnings are equal to or more than one and one-fourth ($1\frac{1}{4}$) times the weekly benefit amount.

Section 2. Misrepresentation or Nondisclosure. If the department issues a determination that a claimant through fraudulent misrepresentation or nondisclosure of fact, other than unreported earnings, attempted to establish his right to or the amount of his unemployment insurance benefits, in addition to the disqualification imposed for that week, an additional twenty-six (26) week period of disqualification shall be imposed from the date of discovery of the misrepresentation or nondisclosure. (22 Ky.R. 486; Am. 911; eff. 11-6-95; 33 Ky.R. 2194; 3190; eff. 5-4-2007.)